



General Assembly

Substitute Bill No. 5221

February Session, 2014



**AN ACT CONCERNING THE RECOMMENDATIONS OF THE
CONNECTICUT SENTENCING COMMISSION REGARDING LENGTHY
SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH
AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF
CERTAIN FELONY OFFENSES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-125a of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2014*):

4 (a) A person convicted of one or more crimes who is incarcerated on
5 or after October 1, 1990, who received a definite sentence or aggregate
6 sentence of more than two years, and who has been confined under
7 such sentence or sentences for not less than one-half of the aggregate
8 sentence less any risk reduction credit earned under the provisions of
9 section 18-98e or one-half of the most recent sentence imposed by the
10 court less any risk reduction credit earned under the provisions of
11 section 18-98e, whichever is greater, may be allowed to go at large on
12 parole in the discretion of the panel of the Board of Pardons and
13 Paroles for the institution in which the person is confined, if (1) it
14 appears from all available information, including any reports from the
15 Commissioner of Correction that the panel may require, that there is a
16 reasonable probability that such inmate will live and remain at liberty
17 without violating the law, and (2) such release is not incompatible with

18 the welfare of society. At the discretion of the panel, and under the
19 terms and conditions as may be prescribed by the panel including
20 requiring the parolee to submit personal reports, the parolee shall be
21 allowed to return to the parolee's home or to reside in a residential
22 community center, or to go elsewhere. The parolee shall, while on
23 parole, remain under the jurisdiction of the board until the expiration
24 of the maximum term or terms for which the parolee was sentenced
25 less any risk reduction credit earned under the provisions of section
26 18-98e. Any parolee released on the condition that the parolee reside in
27 a residential community center may be required to contribute to the
28 cost incidental to such residence. Each order of parole shall fix the
29 limits of the parolee's residence, which may be changed in the
30 discretion of the board and the Commissioner of Correction. Within
31 three weeks after the commitment of each person sentenced to more
32 than two years, the state's attorney for the judicial district shall send to
33 the Board of Pardons and Paroles the record, if any, of such person.

34 (b) (1) No person convicted of any of the following offenses, which
35 was committed on or after July 1, 1981, shall be eligible for parole
36 under subsection (a) of this section: (A) Capital felony, as provided
37 under the provisions of section 53a-54b, as amended by this act, in
38 effect prior to April 25, 2012, (B) murder with special circumstances, as
39 provided under the provisions of section 53a-54b, as amended by this
40 act, in effect on or after April 25, 2012, (C) felony murder, as provided
41 in section 53a-54c, (D) arson murder, as provided in section 53a-54d, as
42 amended by this act, (E) murder, as provided in section 53a-54a, as
43 amended by this act, or (F) aggravated sexual assault in the first
44 degree, as provided in section 53a-70a. (2) A person convicted of (A) a
45 violation of section 53a-100aa or 53a-102, or (B) an offense, other than
46 an offense specified in subdivision (1) of this subsection, where the
47 underlying facts and circumstances of the offense involve the use,
48 attempted use or threatened use of physical force against another
49 person shall be ineligible for parole under subsection (a) of this section
50 until such person has served not less than eighty-five per cent of the
51 definite sentence imposed.

52 (c) The Board of Pardons and Paroles shall, not later than July 1,
53 1996, adopt regulations in accordance with chapter 54 to ensure that a
54 person convicted of an offense described in subdivision (2) of
55 subsection (b) of this section is not released on parole until such person
56 has served eighty-five per cent of the definite sentence imposed by the
57 court. Such regulations shall include guidelines and procedures for
58 classifying a person as a violent offender that are not limited to a
59 consideration of the elements of the offense or offenses for which such
60 person was convicted.

61 (d) The Board of Pardons and Paroles may hold a hearing to
62 determine the suitability for parole release of any person whose
63 eligibility for parole release is not subject to the provisions of
64 subsection (b) of this section upon completion by such person of
65 seventy-five per cent of such person's definite or aggregate sentence
66 less any risk reduction credit earned under the provisions of section
67 18-98e. An employee of the board or, if deemed necessary by the
68 chairperson, a panel of the board shall assess the suitability for parole
69 release of such person based on the following standards: (1) Whether
70 there is reasonable probability that such person will live and remain at
71 liberty without violating the law, and (2) whether the benefits to such
72 person and society that would result from such person's release to
73 community supervision substantially outweigh the benefits to such
74 person and society that would result from such person's continued
75 incarceration. If a hearing is held, and if the board determines that
76 continued confinement is necessary, the board shall articulate for the
77 record the specific reasons why such person and the public would not
78 benefit from such person serving a period of parole supervision while
79 transitioning from incarceration to the community. If a hearing is not
80 held, the board shall document the specific reasons for not holding a
81 hearing and provide such reasons to such person. No person shall be
82 released on parole without receiving a hearing. The decision of the
83 board under this subsection shall not be subject to appeal.

84 (e) The Board of Pardons and Paroles may hold a hearing to

85 determine the suitability for parole release of any person whose
86 eligibility for parole release is subject to the provisions of subdivision
87 (2) of subsection (b) of this section upon completion by such person of
88 eighty-five per cent of such person's definite or aggregate sentence. An
89 employee of the board or, if deemed necessary by the chairperson, a
90 panel of the board shall assess the suitability for parole release of such
91 person based on the following standards: (1) Whether there is a
92 reasonable probability that such person will live and remain at liberty
93 without violating the law, and (2) whether the benefits to such person
94 and society that would result from such person's release to community
95 supervision substantially outweigh the benefits to such person and
96 society that would result from such person's continued incarceration. If
97 a hearing is held, and if the board determines that continued
98 confinement is necessary, the board shall articulate for the record the
99 specific reasons why such person and the public would not benefit
100 from such person serving a period of parole supervision while
101 transitioning from incarceration to the community. If a hearing is not
102 held, the board shall document the specific reasons for not holding a
103 hearing and provide such reasons to such person. No person shall be
104 released on parole without receiving a hearing. The decision of the
105 board under this subsection shall not be subject to appeal.

106 (f) (1) Notwithstanding the provisions of subsections (a) to (e),
107 inclusive, of this section, a person convicted of one or more crimes
108 committed while such person was under eighteen years of age, who is
109 incarcerated on or after October 1, 2014, and who received a definite
110 sentence or aggregate sentence of more than ten years for such crimes
111 prior to, on or after October 1, 2014, may be allowed to go at large on
112 parole in the discretion of the panel of the Board of Pardons and
113 Paroles for the institution in which such person is confined. If such
114 person is serving a sentence of fifty years or less, such person shall be
115 eligible for parole after serving sixty per cent of the sentence or twelve
116 years, whichever is greater. If such person is serving a sentence of
117 more than fifty years, such person shall be eligible for parole after
118 serving thirty years. Nothing in this subsection shall limit a person's

119 eligibility for parole release under the provisions of subsections (a) to
120 (e), inclusive, of this section if such person would be eligible for parole
121 release at an earlier date under any of such provisions.

122 (2) The board shall apply the parole eligibility rules of this
123 subsection only with respect to the sentence for a crime or crimes
124 committed while a person was under eighteen years of age. Any
125 portion of a sentence that is based on a crime or crimes committed
126 while a person was eighteen years of age or older shall be subject to
127 the applicable parole eligibility, suitability and release rules set forth in
128 subsections (a) to (e), inclusive, of this section.

129 (3) Whenever a person becomes eligible for parole release pursuant
130 to this subsection, the board shall hold a hearing to determine such
131 person's suitability for parole release. At least twelve months prior to
132 such hearing, the board shall notify the office of Chief Public Defender,
133 the appropriate state's attorney, the Victim Services Unit within the
134 Department of Correction, the Office of the Victim Advocate and the
135 Office of Victim Services within the Judicial Department of such
136 person's eligibility for parole release pursuant to this subsection. The
137 office of Chief Public Defender shall assign counsel for such person
138 pursuant to section 51-296 if such person is indigent. At any hearing to
139 determine such person's suitability for parole release pursuant to this
140 subsection, the board shall permit (A) such person to make a statement
141 on such person's behalf, (B) counsel for such person and the state's
142 attorney to submit reports and other documents, and (C) any victim of
143 the crime or crimes to make a statement pursuant to section 54-126a.
144 The board may request testimony from mental health professionals or
145 other relevant witnesses, and reports from the Commissioner of
146 Correction or other persons, as the board may require. The board shall
147 use validated risk assessment and needs assessment tools and its risk-
148 based structured decision making and release criteria established
149 pursuant to subsection (d) of section 54-124a in making a
150 determination pursuant to this subsection.

151 (4) After such hearing, the board may allow such person to go at

152 large on parole with respect to any portion of a sentence that was
153 based on a crime or crimes committed while such person was under
154 eighteen years of age if the board finds that such parole release would
155 be consistent with the factors set forth in subdivisions (1) to (4),
156 inclusive, of subsection (c) of section 54-300 and if it appears, from all
157 available information, including, but not limited to, any reports from
158 the Commissioner of Correction, that (A) there is a reasonable
159 probability that such person will live and remain at liberty without
160 violating the law; (B) the benefits to such person and society that
161 would result from such person's release to community supervision
162 substantially outweigh the benefits to such person and society that
163 would result from such person's continued incarceration; and (C) such
164 person has demonstrated substantial rehabilitation since the date such
165 crime or crimes were committed considering such person's character,
166 background and history, as demonstrated by factors, including, but
167 not limited to, such person's correctional record, the age and
168 circumstances of such person as of the date of the commission of the
169 crime or crimes, whether such person has demonstrated remorse and
170 increased maturity since the date of the commission of the crime or
171 crimes, such person's contributions to the welfare of other persons
172 through service, such person's efforts to overcome substance abuse,
173 addiction, trauma, lack of education or obstacles that such person may
174 have faced as a child or youth in the adult correctional system, the
175 opportunities for rehabilitation in the adult correctional system and the
176 overall degree of such person's rehabilitation considering the nature
177 and circumstances of the crime or crimes.

178 (5) After such hearing, the board shall articulate for the record its
179 decision and the reasons for its decision. If the board determines that
180 continued confinement is necessary, the board may reassess such
181 person's suitability for a new parole hearing at a later date to be
182 determined at the discretion of the board, but not earlier than two
183 years after the date of its decision.

184 (6) The decision of the board under this subsection shall not be

185 subject to appeal.

186 ~~[(f)]~~ (g) Any person released on parole under this section shall
187 remain in the custody of the Commissioner of Correction and be
188 subject to supervision by personnel of the Department of Correction
189 during such person's period of parole.

190 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) If the case of a child, as
191 defined in section 46b-120 of the general statutes, is transferred to the
192 regular criminal docket of the Superior Court pursuant to section 46b-
193 127 of the general statutes, as amended by this act, and the child is
194 convicted of a class A, B or C felony pursuant to such transfer, at the
195 time of sentencing, the court shall:

196 (1) Consider, in addition to any other information relevant to
197 sentencing, any scientific and psychological evidence showing the
198 differences between a child's brain development and an adult's brain
199 development, including, but not limited to, evidence showing, as
200 compared to an adult: (A) A child's lack of maturity and
201 underdeveloped sense of responsibility, including evidence showing a
202 child's recklessness, impulsivity and risk-taking tendencies; (B) a
203 child's vulnerability to negative influences and outside pressures from
204 peers or family members, or both; (C) a child's increased capacity for
205 change and rehabilitation; and (D) a child's reduced competency in (i)
206 appreciating the risks and consequences of his or her own actions, (ii)
207 negotiating the complexities of the criminal justice system, and (iii)
208 assisting in his or her own defense; and

209 (2) Consider, if the court proposes to sentence the child to a lengthy
210 sentence under which it is likely that the child will die while
211 incarcerated, how the scientific and psychological evidence described
212 in subdivision (1) of this subsection counsels against such a sentence.

213 (b) Notwithstanding the provisions of section 54-91a of the general
214 statutes, no presentence investigation or report may be waived with
215 respect to a child convicted of a class A or B felony. With respect to a

216 child convicted of a class C felony, the presentence investigation and
217 report may be waived by the child only upon approval by the court.
218 Any presentence report prepared with respect to a child convicted of a
219 class A, B or C felony shall address the factors set forth in
220 subparagraphs (A) to (D), inclusive, of subdivision (1) of subsection (a)
221 of this section.

222 (c) The Court Support Services Division of the Judicial Branch shall
223 establish reference materials relating to adolescent psychological and
224 brain development to assist courts in sentencing children pursuant to
225 this section.

226 Sec. 3. Subsection (c) of section 46b-127 of the 2014 supplement to
227 the general statutes is repealed and the following is substituted in lieu
228 thereof (*Effective October 1, 2014*):

229 (c) Upon the effectuation of the transfer, such child shall stand trial
230 and be sentenced, if convicted, as if such child were eighteen years of
231 age, subject to the requirements of section 2 of this act. Such child shall
232 receive credit against any sentence imposed for time served in a
233 juvenile facility prior to the effectuation of the transfer. A child who
234 has been transferred may enter a guilty plea to a lesser offense if the
235 court finds that such plea is made knowingly and voluntarily. Any
236 child transferred to the regular criminal docket who pleads guilty to a
237 lesser offense shall not resume such child's status as a juvenile
238 regarding such offense. If the action is dismissed or nolleed or if such
239 child is found not guilty of the charge for which such child was
240 transferred or of any lesser included offenses, the child shall resume
241 such child's status as a juvenile until such child attains the age of
242 eighteen years.

243 Sec. 4. Subsection (f) of section 46b-133c of the general statutes is
244 repealed and the following is substituted in lieu thereof (*Effective*
245 *October 1, 2014*):

246 (f) Whenever a proceeding has been designated a serious juvenile

247 repeat offender prosecution pursuant to subsection (b) of this section
248 and the child does not waive such child's right to a trial by jury, the
249 court shall transfer the case from the docket for juvenile matters to the
250 regular criminal docket of the Superior Court. Upon transfer, such
251 child shall stand trial and be sentenced, if convicted, as if such child
252 were eighteen years of age, subject to the requirements of section 2 of
253 this act, except that no such child shall be placed in a correctional
254 facility but shall be maintained in a facility for children and youths
255 until such child attains eighteen years of age or until such child is
256 sentenced, whichever occurs first. Such child shall receive credit
257 against any sentence imposed for time served in a juvenile facility
258 prior to the effectuation of the transfer. A child who has been
259 transferred may enter a guilty plea to a lesser offense if the court finds
260 that such plea is made knowingly and voluntarily. Any child
261 transferred to the regular criminal docket who pleads guilty to a lesser
262 offense shall not resume such child's status as a juvenile regarding
263 such offense. If the action is dismissed or nolle or if such child is
264 found not guilty of the charge for which such child was transferred,
265 the child shall resume such child's status as a juvenile until such child
266 attains eighteen years of age.

267 Sec. 5. Subsection (f) of section 46b-133d of the general statutes is
268 repealed and the following is substituted in lieu thereof (*Effective*
269 *October 1, 2014*):

270 (f) When a proceeding has been designated a serious sexual
271 offender prosecution pursuant to subsection (c) of this section and the
272 child does not waive the right to a trial by jury, the court shall transfer
273 the case from the docket for juvenile matters to the regular criminal
274 docket of the Superior Court. Upon transfer, such child shall stand trial
275 and be sentenced, if convicted, as if such child were eighteen years of
276 age, subject to the requirements of section 2 of this act, except that no
277 such child shall be placed in a correctional facility but shall be
278 maintained in a facility for children and youths until such child attains
279 eighteen years of age or until such child is sentenced, whichever occurs

280 first. Such child shall receive credit against any sentence imposed for
281 time served in a juvenile facility prior to the effectuation of the
282 transfer. A child who has been transferred may enter a guilty plea to a
283 lesser offense if the court finds that such plea is made knowingly and
284 voluntarily. Any child transferred to the regular criminal docket who
285 pleads guilty to a lesser offense shall not resume such child's status as
286 a juvenile regarding such offense. If the action is dismissed or nolle or
287 if such child is found not guilty of the charge for which such child was
288 transferred, the child shall resume such child's status as a juvenile until
289 such child attains eighteen years of age.

290 Sec. 6. Section 53a-46a of the general statutes is repealed and the
291 following is substituted in lieu thereof (*Effective October 1, 2014, and*
292 *applicable to any person convicted prior to, on or after said date*):

293 (a) A person shall be subjected to the penalty of death for a capital
294 felony committed prior to April 25, 2012, under the provisions of
295 section 53a-54b, as amended by this act, in effect prior to April 25,
296 2012, only if (1) a hearing is held in accordance with the provisions of
297 this section, and (2) such person was eighteen years of age or older at
298 the time the offense was committed.

299 (b) For the purpose of determining the sentence to be imposed when
300 a defendant is convicted of or pleads guilty to a capital felony, the
301 judge or judges who presided at the trial or before whom the guilty
302 plea was entered shall conduct a separate hearing to determine the
303 existence of any mitigating factor concerning the defendant's character,
304 background and history, or the nature and circumstances of the crime,
305 and any aggravating factor set forth in subsection (i) of this section.
306 Such hearing shall not be held if the state stipulates that none of the
307 aggravating factors set forth in subsection (i) of this section exists or
308 that any factor set forth in subsection (h) of this section exists. Such
309 hearing shall be conducted (1) before the jury which determined the
310 defendant's guilt, or (2) before a jury impaneled for the purpose of
311 such hearing if (A) the defendant was convicted upon a plea of guilty;
312 (B) the defendant was convicted after a trial before three judges as

313 provided in subsection (b) of section 53a-45; or (C) if the jury which
314 determined the defendant's guilt has been discharged by the court for
315 good cause, or (3) before the court, on motion of the defendant and
316 with the approval of the court and the consent of the state.

317 (c) In such hearing the court shall disclose to the defendant or his
318 counsel all material contained in any presentence report which may
319 have been prepared. No presentence information withheld from the
320 defendant shall be considered in determining the existence of any
321 mitigating or aggravating factor. Any information relevant to any
322 mitigating factor may be presented by either the state or the defendant,
323 regardless of its admissibility under the rules governing admission of
324 evidence in trials of criminal matters, but the admissibility of
325 information relevant to any of the aggravating factors set forth in
326 subsection (i) of this section shall be governed by the rules governing
327 the admission of evidence in such trials. The state and the defendant
328 shall be permitted to rebut any information received at the hearing and
329 shall be given fair opportunity to present argument as to the adequacy
330 of the information to establish the existence of any mitigating or
331 aggravating factor. The burden of establishing any of the aggravating
332 factors set forth in subsection (i) of this section shall be on the state.
333 The burden of establishing any mitigating factor shall be on the
334 defendant.

335 (d) In determining whether a mitigating factor exists concerning the
336 defendant's character, background or history, or the nature and
337 circumstances of the crime, pursuant to subsection (b) of this section,
338 the jury or, if there is no jury, the court shall first determine whether a
339 particular factor concerning the defendant's character, background or
340 history, or the nature and circumstances of the crime, has been
341 established by the evidence, and shall determine further whether that
342 factor is mitigating in nature, considering all the facts and
343 circumstances of the case. Mitigating factors are such as do not
344 constitute a defense or excuse for the capital felony of which the
345 defendant has been convicted, but which, in fairness and mercy, may

346 be considered as tending either to extenuate or reduce the degree of his
347 culpability or blame for the offense or to otherwise constitute a basis
348 for a sentence less than death.

349 (e) The jury or, if there is no jury, the court shall return a special
350 verdict setting forth its findings as to the existence of any factor set
351 forth in subsection (h) of this section, the existence of any aggravating
352 factor or factors set forth in subsection (i) of this section and whether
353 any aggravating factor or factors outweigh any mitigating factor or
354 factors found to exist pursuant to subsection (d) of this section.

355 (f) If the jury or, if there is no jury, the court finds that (1) none of
356 the factors set forth in subsection (h) of this section exist, (2) one or
357 more of the aggravating factors set forth in subsection (i) of this section
358 exist, and (3) (A) no mitigating factor exists, or (B) one or more
359 mitigating factors exist but are outweighed by one or more
360 aggravating factors set forth in subsection (i) of this section, the court
361 shall sentence the defendant to death.

362 (g) If the jury or, if there is no jury, the court finds that (1) any of the
363 factors set forth in subsection (h) of this section exist, or (2) none of the
364 aggravating factors set forth in subsection (i) of this section exists, or
365 (3) one or more of the aggravating factors set forth in subsection (i) of
366 this section exist and one or more mitigating factors exist, but the one
367 or more aggravating factors set forth in subsection (i) of this section do
368 not outweigh the one or more mitigating factors, the court shall impose
369 a sentence of life imprisonment without the possibility of release.

370 (h) The court shall not impose the sentence of death on the
371 defendant if the jury or, if there is no jury, the court finds by a special
372 verdict, as provided in subsection (e) of this section, that at the time of
373 the offense (1) the defendant was [under the age of eighteen years, or
374 (2) the defendant was] a person with intellectual disability, as defined
375 in section 1-1g, or [(3)] (2) the defendant's mental capacity was
376 significantly impaired or the defendant's ability to conform the
377 defendant's conduct to the requirements of law was significantly

378 impaired but not so impaired in either case as to constitute a defense to
379 prosecution, or [(4)] (3) the defendant was criminally liable under
380 sections 53a-8, 53a-9 and 53a-10 for the offense, which was committed
381 by another, but the defendant's participation in such offense was
382 relatively minor, although not so minor as to constitute a defense to
383 prosecution, or [(5)] (4) the defendant could not reasonably have
384 foreseen that the defendant's conduct in the course of commission of
385 the offense of which the defendant was convicted would cause, or
386 would create a grave risk of causing, death to another person.

387 (i) The aggravating factors to be considered shall be limited to the
388 following: (1) The defendant committed the offense during the
389 commission or attempted commission of, or during the immediate
390 flight from the commission or attempted commission of, a felony and
391 the defendant had previously been convicted of the same felony; or (2)
392 the defendant committed the offense after having been convicted of
393 two or more state offenses or two or more federal offenses or of one or
394 more state offenses and one or more federal offenses for each of which
395 a penalty of more than one year imprisonment may be imposed, which
396 offenses were committed on different occasions and which involved
397 the infliction of serious bodily injury upon another person; or (3) the
398 defendant committed the offense and in such commission knowingly
399 created a grave risk of death to another person in addition to the
400 victim of the offense; or (4) the defendant committed the offense in an
401 especially heinous, cruel or depraved manner; or (5) the defendant
402 procured the commission of the offense by payment, or promise of
403 payment, of anything of pecuniary value; or (6) the defendant
404 committed the offense as consideration for the receipt, or in
405 expectation of the receipt, of anything of pecuniary value; or (7) the
406 defendant committed the offense with an assault weapon, as defined
407 in section 53-202a; or (8) the defendant committed the offense set forth
408 in subdivision (1) of section 53a-54b, as amended by this act, to avoid
409 arrest for a criminal act or prevent detection of a criminal act or to
410 hamper or prevent the victim from carrying out any act within the
411 scope of the victim's official duties or to retaliate against the victim for

412 the performance of the victim's official duties.

413 Sec. 7. Section 53a-54b of the general statutes is repealed and the
414 following is substituted in lieu thereof (*Effective October 1, 2014, and*
415 *applicable to any person convicted prior to, on or after said date*):

416 A person is guilty of murder with special circumstances who is
417 convicted of any of the following and was eighteen years of age or
418 older when such person committed the murder: (1) Murder of a
419 member of the Division of State Police within the Department of
420 Emergency Services and Public Protection or of any local police
421 department, a chief inspector or inspector in the Division of Criminal
422 Justice, a state marshal who is exercising authority granted under any
423 provision of the general statutes, a judicial marshal in performance of
424 the duties of a judicial marshal, a constable who performs criminal law
425 enforcement duties, a special policeman appointed under section 29-
426 18, a conservation officer or special conservation officer appointed by
427 the Commissioner of Energy and Environmental Protection under the
428 provisions of section 26-5, an employee of the Department of
429 Correction or a person providing services on behalf of said department
430 when such employee or person is acting within the scope of such
431 employee's or person's employment or duties in a correctional
432 institution or facility and the actor is confined in such institution or
433 facility, or any firefighter, while such victim was acting within the
434 scope of such victim's duties; (2) murder committed by a defendant
435 who is hired to commit the same for pecuniary gain or murder
436 committed by one who is hired by the defendant to commit the same
437 for pecuniary gain; (3) murder committed by one who has previously
438 been convicted of intentional murder or of murder committed in the
439 course of commission of a felony; (4) murder committed by one who
440 was, at the time of commission of the murder, under sentence of life
441 imprisonment; (5) murder by a kidnapper of a kidnapped person
442 during the course of the kidnapping or before such person is able to
443 return or be returned to safety; (6) murder committed in the course of
444 the commission of sexual assault in the first degree; (7) murder of two

445 or more persons at the same time or in the course of a single
 446 transaction; or (8) murder of a person under sixteen years of age.

447 Sec. 8. Section 53a-54d of the general statutes is repealed and the
 448 following is substituted in lieu thereof (*Effective October 1, 2014, and*
 449 *applicable to any person convicted prior to, on or after said date*):

450 A person is guilty of murder when, acting either alone or with one
 451 or more persons, he commits arson and, in the course of such arson,
 452 causes the death of a person. Notwithstanding any other provision of
 453 the general statutes, any person convicted of murder under this section
 454 who was eighteen years of age or older at the time of the offense shall
 455 be punished by life imprisonment and shall not be eligible for parole.

456 Sec. 9. Subsection (c) of section 53a-54a of the general statutes is
 457 repealed and the following is substituted in lieu thereof (*Effective*
 458 *October 1, 2014, and applicable to any person convicted prior to, on or after*
 459 *said date*):

460 (c) Murder is punishable as a class A felony in accordance with
 461 subdivision (2) of section 53a-35a unless it is (1) a capital felony
 462 committed prior to April 25, 2012, by a person who was eighteen years
 463 of age or older at the time of the offense, punishable in accordance
 464 with subparagraph (A) of subdivision (1) of section 53a-35a, (2) murder
 465 with special circumstances committed on or after April 25, 2012, by a
 466 person who was eighteen years of age or older at the time of the
 467 offense, punishable as a class A felony in accordance with
 468 subparagraph (B) of subdivision (1) of section 53a-35a, or (3) murder
 469 under section 53a-54d, as amended by this act, committed by a person
 470 who was eighteen years of age or older at the time of the offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	54-125a
Sec. 2	October 1, 2014	New section
Sec. 3	October 1, 2014	46b-127(c)

Sec. 4	<i>October 1, 2014</i>	46b-133c(f)
Sec. 5	<i>October 1, 2014</i>	46b-133d(f)
Sec. 6	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-46a
Sec. 7	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-54b
Sec. 8	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-54d
Sec. 9	<i>October 1, 2014, and applicable to any person convicted prior to, on or after said date</i>	53a-54a(c)

JUD *Joint Favorable Subst.*